

AMENDED IN ASSEMBLY APRIL 21, 2005

AMENDED IN ASSEMBLY APRIL 11, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

No. 1741

**Introduced by Committee on Judiciary (Jones (Chair), Evans,  
Laird, Levine, Lieber, and Montanez)**

March 2, 2005

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An act to ~~amend Section 1281 of the Code of Civil Procedure,~~  
~~relating to arbitration~~ *add Section 2188.5 to the Elections Code,*  
*relating to voter information.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 1741, as amended, Committee on Judiciary. ~~Arbitration.~~ *Voter information: privacy.*

~~Existing law provides that a written agreement to submit a dispute to arbitration is valid and irrevocable except upon the grounds that exist for revocation of a contract.~~

~~This bill would instead provide that these agreements may not be revoked except upon the grounds that exist for rescission of a contract.~~

*Existing law sets forth the requirement for an application for voter registration information, including a statement of the intended use of the information requested.*

*The bill would prohibit this requested voter information from being sent overseas, as specified, and would state findings and declarations regarding the protection of voter-related identities and personal information of Californians.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 1281 of the Code of Civil Procedure is~~  
2 ~~amended to read:~~

3     ~~1281. A written agreement to submit to arbitration an existing~~  
4 ~~controversy or a controversy thereafter arising is valid,~~  
5 ~~enforceable and irrevocable, except upon the grounds that exist~~  
6 ~~for the rescission of any contract.~~

7     ~~SECTION 1. (a) The Legislature finds that identity theft is~~  
8 ~~one of the fastest growing crimes in America. Last year nearly 10~~  
9 ~~million people across the nation were victimized, resulting in~~  
10 ~~losses to businesses and consumers of more than 50 billion~~  
11 ~~dollars. California has the unflattering distinction of being the~~  
12 ~~only state last year with more than one million identity theft~~  
13 ~~victims. One in 10 of the nation's victims of identity theft are~~  
14 ~~Californians, and the state has 5 of the nation's top 15 regions~~  
15 ~~for identity theft, according to the Federal Trade Commission.~~  
16 ~~The FBI has reported that many identity thefts that occur in the~~  
17 ~~United States are hatched internationally and a leading bank~~  
18 ~~regulator, the Federal Deposit Insurance Corporation, has~~  
19 ~~warned that increased outsourcing of jobs overseas has~~  
20 ~~heightened the risk of identity theft.~~

21     ~~(b) The Legislature further finds that identity theft is not a~~  
22 ~~partisan issue; persons across the political spectrum share~~  
23 ~~growing concerns that the cost of losing one's personal identity~~  
24 ~~and privacy is much greater than an issue of dollars and cents.~~  
25 ~~Recent opinion polls reveal that Californians place protecting~~  
26 ~~their right to privacy as a major concern. Victims of identity theft~~  
27 ~~tell horror stories of the hundreds of painful hours they must~~  
28 ~~spend talking to credit card companies, banks, insurance~~  
29 ~~companies, law enforcement officials, and merchants just to~~  
30 ~~clear their name and their credit. The crisis has created sufficient~~  
31 ~~concern that it recently led to the state's first identity theft~~  
32 ~~conference, held recently on March 1, 2005. The conference~~  
33 ~~partners included Governor Arnold Schwarzenegger, law~~  
34 ~~enforcement officials, politicians, businesses, consumer~~  
35 ~~advocates, and identity theft victims. All of the participants~~  
36 ~~recognized that the state needs to do much more to protect the~~  
37 ~~identity of California's citizens.~~

1     (c) The Legislature further finds that the sharing of voter  
2     information and initiative petition signatures abroad creates  
3     special risks to the state's democratic process. It is well  
4     understood that voter registration is the initial step in citizens'  
5     involvement in the democratic process. Only registered voters  
6     are permitted to vote in a democracy to safeguard the principle  
7     that elections are fair and only those entitled to vote do so. In  
8     addition, under the California Constitution's initiative  
9     requirements, only those proposed initiative measures that have  
10    the support of a specified number of petition signers may  
11    properly qualify to be voted on by the state's electorate. It is  
12    therefore manifest that if voters come to believe that by signing  
13    an initiative petition or registering to vote they may risk  
14    becoming victims of identity theft through the outsourcing of  
15    their identities abroad, they may not sign the petition and they  
16    may not vote. It is therefore imperative that the state undertake  
17    increased measures to protect the voter-related identities and  
18    personal information of all Californians.

19    SEC. 2. Section 2188.5 is added to the Elections Code, to  
20    read:

21    2188.5. Voter information requested pursuant to Section 2188  
22    shall not be sent overseas or made available in any way  
23    electronically to persons overseas, including but not limited to,  
24    access over the Internet.